

MINUTES OF THE
REGULAR MEETING – CITY COUNCIL
March 01, 2011

City Council Chambers, City Hall, 250 East L Street, complete proceedings of which are recorded on tape.

I. CALL TO ORDER:

Mayor Patterson called the meeting to order at 7:23 p.m.

II. CLOSED SESSION:

III. CONVENE OPEN SESSION:

A. ROLL CALL

All Council Members were present.

B. REFERENCE TO THE FUNDAMENTAL RIGHTS OF THE PUBLIC:

IV. ANNOUNCEMENTS/APPOINTMENTS/PRESENTATIONS/PROCLAMATIONS:

A. ANNOUNCEMENTS

1. Announcement of action taken at Closed Session, if any.

Ms. McLaughlin reported on the following Closed Session items:

Items IV.A and IV.B - Council directed Staff to prepare to bring a portion of the easement back to Council for vacation.

Item IV.C was continued to the 3/8/11 special Council meeting.

2. Openings on Boards and Commissions:

Sky Valley Open Space Committee: One full term to January 31, 2015

Civil Service Commission: One full term to January 31, 2015

Building Board of Appeals: Three full terms to January 31, 2015

Solano Transportation Authority Pedestrian Advisory Committee: One full term to January 31, 2014

3. Mayor's Office Hours:

4. Benicia Arsenal Update:

Ms. McLaughlin reported that the review of the City's insurance policy was continuing, as were the meetings with DTSC by ERS Consultants, working on the strategy. DTSC has written to the DOJ suggesting that the represented parties meet on 4/11/11 and 4/12/11. There is currently no agenda for the meeting. When the agenda becomes available, the City will let people know.

Mayor Patterson reported that the Council Subcommittee was working with the City Attorney to find a regular time that they could meet (subcommittee, City Attorney, and ERS), and to discuss any other meetings they might want to call. That information would be announced in the future.

B. APPOINTMENTS

1. Reappointment of Craig Snider to the Sky Valley Open Space Committee for a full term to January 31, 2015.

RESOLUTION 11-20 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF CRAIG SNIDER TO THE SKY VALLEY AND OPEN SPACE COMMITTEE TO A FULL TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

2. Reappointment of Nancy Cockerham to the Parks, Recreation and Cemetery Commission for a full term to January 31, 2015.

RESOLUTION 11-21 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF NANCY COCKERHAM TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

3. Reappointment of Rufus Bunch to the Parks, Recreation and Cemetery Commission for a full term to January 31, 2015.

RESOLUTION 11-22 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF RUFUS BUNCH TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

4. Reappointment of Ernest Gutierrez to the Parks, Recreation and Cemetery Commission for a full term to January 31, 2015.

RESOLUTION 11-23 - A RESOLUTION CONFIRMING THE MAYOR'S REAPPOINTMENT OF ERNEST GUTIERREZ TO THE PARKS, RECREATION AND CEMETERY COMMISSION TO A FULL TERM ENDING JANUARY 31, 2015

On motion of Mayor Patterson Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

C. PRESENTATIONS

1. Arts and Culture Commission Annual Report

Lee Wilder-Snyder, Chairperson, reviewed a PowerPoint presentation (copy on file).

2. Benicia Tourism Contest - Visit Benicia Contest Drawing

Anne Lindsay, Lindsay Art and Glass, had Mayor Patterson pick the winner of the Benicia Tourism Contest. There were 532 entries to the contest. The winners were Anita and Bob Mitchell of Fairfield, California.

The contest would be re-launched in April 2011, and it would be timed with the radio ads that would be playing.

3. Presentation of a \$10,000 check to the City from Soroptimist International of Benicia for Soroptimist Grove

The Soroptimist International of Benicia presented a \$10,000 check to the City of Benicia for Soroptimist Grove.

D. PROCLAMATIONS

1. Recognizing the 749th Battalion National Guard Volunteers

2. Recognition of Phil and Celeste Joy - Money raised for Crossing Guards

V. ADOPTION OF AGENDA:

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Agenda, as presented, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

VI. OPPORTUNITY FOR PUBLIC COMMENT:

A. WRITTEN COMMENT

B. PUBLIC COMMENT

Constance Buetel - Per Council's request, Dr. Buetel gave them a 'heads up' on the issue of funding for a new webpage for the Sustainability Commission, and funding for the public education and outreach for the commission. The funding would be coming from the VIP Settlement Funds.

Jon Van Landschoot - Mr. Van Landschoot discussed the issue of a Tourist Business Improvement District (TBID). He requested Council talk to merchants in the Downtown Area about the issue before they vote on it.

Claire McFadden - Ms. McFadden discussed the need to address the issue of communication with the merchants and people in the City regarding the tourism and the TBID issue.

Brad Kilger, City Manager, confirmed it was Staff's intent to engage the public and merchants on the issues. He encouraged anyone with questions to contact him or Mr. Giuliani.

Council Member loakimedes and Staff clarified that a TBID or BID would not be a tax that was imposed on anyone. The merchants would have to vote on it and pass it in order to impose it upon themselves. The merchants would determine whether or not the TBID/BID would move forward.

Council Member Campbell discussed what sort of vote would be required to pass the adoption of a TBID.

VII. CONSENT CALENDAR:

Council pulled items VII.B and VII.F for discussion.

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Consent Calendar, as amended, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

A. Approval of Minutes of the Regular meeting of February 15, 2011

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, the minutes were approved, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

B. PARTICIPATION IN THE SOLANO SUBREGION FOR THE REGIONAL HOUSING ALLOCATION PROCESS.

RESOLUTION 11-24 - RESOLUTION APPROVING THE CITY'S PARTICIPATION IN THE SOLANO SUBREGION FOR THE REGIONAL HOUSING NEEDS ASSESSMENT (RHNA) PROCESS

Council Member loakimedes and Staff discussed concerns regarding incorporating this into an overall economic strategy. Transit, especially in the Industrial Park, will be an issue with that.

Council Member Hughes and Staff discussed the issue of other cities having difficulties in meeting the ABAG allocated numbers. He inquired whether there was a chance, with this agreement, that Benicia could end up with higher numbers that were allocated by ABAG (no - they are trying to get a higher number for the County, not the City).

Public Comment:

None

On motion of Vice Mayor Schwartzman, seconded by Council Member Hughes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

C. DENIAL OF THE CLAIM AGAINST THE CITY BY CARL PREBLE AND REFERRAL TO INSURANCE CARRIER

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the denial of the claim, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

D. SECOND READING OF AN ORDINANCE AMENDING SECTION 17.70.320 (INCLUSIONARY HOUSING) OF CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) TO CLARIFY DEFINITIONS AND DETERMINATION OF AFFORDABLE RENTS

ORDINANCE 11-3 - AN ORDINANCE AMENDING SECTION 17.70.320 (INCLUSIONARY HOUSING) OF CHAPTER 17.70 (SITE REGULATIONS) OF TITLE 17 (ZONING) TO CLARIFY DEFINITIONS AND DETERMINATION OF AFFORDABLE RENTS

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Ordinance, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

E. SECOND READING AND ADOPTION OF AN ORDINANCE MODIFYING REGULATIONS REGARDING LARGE FAMILY DAYCARE IN THE SINGLE FAMILY RESIDENTIAL ZONING DISTRICT AND REPLACING EXISTING DAY CARE USE CLASSIFICATIONS WITH DEFINITIONS CONSISTENT WITH THE CALIFORNIA HEALTH AND SAFETY CODE

ORDINANCE 11-4 - AN ORDINANCE AMENDING SECTION 17.16.030 (RESIDENTIAL USE CLASSIFICATIONS) AND SECTION 17.16.040 (PUBLIC AND SEMIPUBLIC USE CLASSIFICATIONS) OF CHAPTER 17.16 (USE CLASSIFICATIONS), SECTION 17.24.020 (RS, RM, AND RH DISTRICTS - LAND USE REGULATIONS) AND SECTION 17.24.030 (RS, RM, AND RH DISTRICTS - PROPERTY DEVELOPMENT REGULATIONS) OF CHAPTER 17.24 (RESIDENTIAL DISTRICTS), SECTION 17.28.020 (CC, CO, CG, AND CW DISTRICTS - LAND USE REGULATIONS) OF CHAPTER 17.28 (COMMERCIAL DISTRICTS), SECTION 17.32.020 (IL, IG, IW, AND IP DISTRICTS - LAND USE REGULATIONS) OF CHAPTER 17.32 (INDUSTRIAL DISTRICTS), SECTION 17.40.030 (LAND USE REGULATIONS) OF CHAPTER 17.40 (PS PUBLIC AND SEMIPUBLIC DISTRICT), SECTION 17.46.010 (SCHEDULE S-1) OF CHAPTER 17.46 (USE REGULATIONS SUMMARY), AND SECTION 17.74.030 (OFF-STREET PARKING AND LOADING SPACES REQUIRED) OF CHAPTER 17.74 (OFF-STREET PARKING AND LOADING REGULATIONS) OF TITLE 17 (ZONING) OF THE BENICIA MUNICIPAL CODE

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council adopted the Ordinance, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

F. GRANT OF STORM DRAIN EASEMENT TO THE UNION PACIFIC RAILROAD FOR THEIR AUTO LOADING FACILITY PROJECT

Mayor Patterson pulled the item to bring the fact that this was a great thing to the public's attention. She and Staff discussed concerns regarding the drainage plan, storm water treatment, and monitoring of the runoff.

Danielle Allen and Michael Steele, Union Pacific discussed the filtering process and monitoring of the runoff.

Mayor Patterson requested the engineer write a brief narrative regarding the filtering and monitoring processes.

Council Member Campbell and Staff discussed when construction of the project would begin.

Mayor Patterson discussed the issue of monitoring the reduction in carbon. On motion of Council Member Hughes, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:
Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

G. DENIAL OF CLAIM AGAINST THE CITY BY GREGORY CHRISTOPHER STRAIN AND REFERRAL TO INSURANCE CARRIER

On motion of Vice Mayor Schwartzman, seconded by Council Member loakimedes, Council approved the Denial of the claim, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes
Noes: (None)

H. Approval to waive the reading of all ordinances introduced and adopted pursuant to this agenda.

VIII. PUBLIC HEARINGS:

IX. ACTION ITEMS:

A. CONSIDERATION OF A RESOLUTION SUPPORTING PLACEMENT OF A REVENUE EXTENSION MEASURE ON THE JUNE 2011 BALLOT BY BENICIA UNIFIED SCHOOL DISTRICT

RESOLUTION 11-26 - A RESOLUTION SUPPORTING THE BENICIA UNIFIED SCHOOL DISTRICT (BUSD) PLACING A REVENUE EXTENSION MEASURE

ON THE JUNE 2011 BALLOT

Mayor Patterson discussed the need to give democracy a chance and allow people to vote on the issue.

Public Comment:

None

On motion of Council Member Campbell, seconded by Council Member Hughes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

- B. RESOLUTION OF INTENTION AND INTRODUCTION OF AN ORDINANCE AMENDING THE CONTRACT BETWEEN THE CITY OF BENICIA AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM FOR LOCAL SAFETY EMPLOYEES TO PROVIDE SECTION 21363.1 (3% AT 55 FORMULA) AND SECTION 20037 (THREE-YEAR FINAL COMPENSATION)**

RESOLUTION 11-27 - A RESOLUTION OF INTENTION APPROVING AN AMENDMENT TO CONTRACT BETWEEN THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM AND CERTIFYING THE REQUIRED MEMBER CONTRIBUTION RATE

ORDINANCE 11- - AN ORDINANCE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM

Anne Cardwell, Administrative Services Director, reviewed the staff report.

Public Comment:

None

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council adopted the Resolution, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

On motion of Council Member Hughes, seconded by Council Member loakimedes, Council approved the Introduction and First Reading of the above Ordinance, on roll call by the following vote:

Ayes: Patterson, Schwartzman, Campbell, Hughes, loakimedes

Noes: (None)

X. INFORMATIONAL ITEMS:

A. City Manager Reports

None

XI. COUNCIL MEMBERS REPORTS:

Council Member Campbell reported that the FAB didn't have anyone from the public attend the evening meetings, so the committee would be changing the meeting times back to Friday mornings at 8:00 a.m.

XII. ADJOURNMENT:

Mayor Patterson adjourned the meeting at 8:23 p.m.

Lisa Wolfe, City Clerk